

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2009**

Court convened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Sills, P. J., Rylaarsdam, J., Aronson, J., and Ikola, J. Toni Cajigal deputy clerk attending.

G041603 In re MICHAEL BERGER

Merits. Cause called. Michael Satris argued for petitioner. Lora F. Martin, Deputy Attorney General argued for respondent. Cause submitted.

G041618 In re RICHARD VELASCO

Merits. Cause called. Brandi Devall argued for petitioner. Kathleen R. Frey, Deputy Attorney General argued for respondent. Cause submitted.

G040924 KEITH CARLSON et al.
v.
DEBBIE COOK

Merits. Cause called. Frederic D. Woocher argued for appellant. Rick A. Cigel argued for respondent Keith Carlson. Leon J. Page argued for respondent Neal Kelley. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2009(cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Moore, Acting P. J., Aronson, J., and Ikola, J. Toni Cajigal deputy clerk attending.

G040112 ADAM TOAL et al.
 v.
 VALERE TARDIF et al.

Merits. Cause called. Theodore C. Beall argued for appellants and cross-respondents. Peter E. Ronay argued for respondents and cross-appellants. Cause submitted.

G040617 ERIC PEACOCK
 v.
 COUNTY OF ORANGE

Merits. Cause called. Lathe S. Gill argued for appellants. Gary M. Lape argued for respondents. Cause submitted.

G040480 JEFFREY TURNER, as Trustee et al.
 v.
 VISTA POINT RIDGE HOMEOWNERS

Merits. Cause called. Jim P. Mahacek argued for appellants. Melinda W. Ebelhar argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2009 (cont'd)**

G040093 THE PEOPLE Not for publication
 v.
 MAXCUIM N. HERRING, JR.,

Opinion filed. The judgment is affirmed.

IKOLA, J

We concur: SILLS, P.J.,
 RYLAARSDAM, J.

G041095 THE PEOPLE Not for publication
 v.
 ANDY R. PEREZ

Opinion filed. The judgment is affirmed.

O'LEARY, ACTING P.J.

We concur: MOORE, J.
 FYBEL, J.

G041177 EVAN CAROLYN Certified for publication
 v.
 ORANGE PARK COMMUNITY
 ASSOCIATION

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P.J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2009 (cont'd)**

G041511 RICHARD A. LEE Certified for publication
 v.
 SUPERIOR COURT;
 THE PEOPLE

Opinion filed. The petition is granted and remanded with directions.

FYBEL, J.

We concur: SILLS, P.J.
 MOORE, J.

G041623 ORANGE COUNTY SOCIAL Not for publication
 SERVICES AGENCY,
 v.
 TIMOTHY B.

Opinion filed. The order is affirmed.

FYBEL, J.

We concur: SILLS, P.J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Sills, P. J., Rylaarsdam, J., Moore, J., and Fybel, J. Toni Cajigal deputy clerk attending.

G039546 THE PEOPLE
 v.
 TIMOTHY A. MILLIGAN

Merits. Cause called. Jackie Menaster argued for appellant. Donald Ostertag, Deputy Attorney General argued for respondent. Kenneth Mennemeier Jr. argued for the amici curiae party Office of the Governor Arnold Schwarzenegger and California Department of Corrections and Rehabilitation on behalf of respondent. Cause submitted.

G039785 THE PEOPLE
 v.
 SUNYHE CHOI

Merits. Cause called. Quin Denvir argued for appellant. Quisteen Shum, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Sills, P. J., Rylaarsdam, J., O'Leary, J., Moore, J. Fybel, J, and Ikola, J. Toni Cajigal deputy clerk attending.

G039421 THE PEOPLE
 v.
 JACOB A. RUMP

Merits. Cause called. Arthur Martin argued for appellant. Ronald Jakob, Deputy Attorney General argued for respondent. Cause submitted.

G040941 THE PEOPLE
 v.
 EULISES V.

Merits. Cause called. Cindy G. Brines argued for appellant. Ronald Jakob, Deputy Attorney General argued for respondent. Cause submitted.

G041915 JOHN STRADA et al.
 & v.
G04121 JS STADIUM, LLC et al.

Merits. Cause called. Robert S. Coldren argued for appellants. Kent G. Mariconda argued for respondents. The cases are not consolidated, but are heard together. Cause submitted.

G040471 KY DUONG et al.
 v.
 FREMONT INVESTMENT & LOAN

Merits. Cause called. Jeffrey T. Bell argued for appellants. Timothy M. Ryan argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2009 (cont'd)**

G040405 AURELIA ESTRADA
 v.
 DELHI COMMUNITY CENTER et al.

Merits. Cause called. James Toledano argued for appellant. Tim Harris argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2009 (cont'd)**

G035266 THE PEOPLE Not for publication
 v.
 TIMMY M. GIFFIN

Opinion filed. The judgment is affirmed. The request for judicial notice is denied.

MOORE, J.

We concur: O'LEARY, ACTING P.J.
 IKOLA, J.

G041300 THE PEOPLE Not for publication
 v.
 BRENDA L. SEXTON

Opinion filed. The restitution order is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P.J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Sills, P. J., Moore, J., Aronson, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G040864 SATYA V. REDDI
 v.
 KASHMI REDDI

Merits. Cause called. Appellant Satya V. Reddi argued in propria persona. Lisa Hughes argued for respondent. Cause submitted.

G036852 THE PEOPLE
 v.
 GREGORY SCOTT HAIDL et al.

Merits. Cause called. Dennis A. Fischer argued for appellant Gregory S. Haidl. Brett H. Duxbury argued for appellant Kyle N. Nachreiner. Stephen M. Lathrop argued for appellant Keith J. Spann. Lise Jacobson, Deputy Attorney General argued for respondent. Cause called.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Rylaarsdam, Acting P. J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G040092 DONALD DUCHARME
 & v.
G040945 JR CAPITAL GROUP, LLC et al.

Merits. Cause called. The cases were argued together. Appellant Donald Ducharme argued in propria persona. Robin G. Eifler argued for respondents. Cause submitted.

G041374 MICHAEL FITZGIBBONS
 v.
 INTEGRATED HEALTHCARE HOLDINGS, INC.

Merits. Cause called. Benjamin Pugh argued for appellant. Donald K. Hufstader argued for respondent. Cause submitted.

G040292 BRIAN WILSON et al.
 v.
 JOHN A. GLADYCH et al.

Merits. Cause called. John A. Gldych argued for appellants. Timothy J. Kooy argued for respondents. Cause submitted.

G040077 QUALIFIED PATIENTS ASSOCIATION et al.
 v.
 CITY OF ANAHEIM

Merits. Cause called. Anthony L. Curiale argued for appellants. Moses W. Johnson argued for respondent. Joe Elford argued for amicus curiae American Safe Access on behalf of appellants. Martin J. Mayer argued for amicus curiae California Police Chiefs Association et al. on behalf of respondent. Ellin Davtyan argued for amicus curiae California Cities on behalf of respondent. Cause submitted.

Court declared a recess.

G040788 THE PEOPLE Not for publication
v.
ANDRES RODRIGUEZ

MOORE, J.

G041339 CLAUDIO PARADA et al.
v.
SUPERIOR COURT;
MONEX DEPOSIT COMPANY et al.

FYBEL, J.

G041603 IN RE MICHAEL G. BERGER

RYLAARSDAM, ACTING P.J.

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**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members Sills, P. J., Rylaarsdam, J., Moore, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G041373 In re EDWARD C. RONJE

Merits. Cause called. Rudy Kraft argued for petitioner. Mike Flory, Deputy District Attorney argued for respondent. Cause submitted.

G041345 In re JOHN SEMENECK

Merits. Cause called. Richard Pfeiffer argued for petitioner. Matthew Lockhart, Deputy District Attorney argued for respondent. Cause submitted.

G041495 In re LEOPOLDO C. GARCIA

Merits. Cause called. Steve M. Defillippis argued for petitioner. Charles Chung, Deputy Attorney General argued for respondent. Cause submitted.

G039500 AMER JNEID et al.

G039723 v.

G039725 TRI POLE CORPORATION et al.

G039897

Merits. Cause called. Sterling A. Brennan argued for appellants Novell, Inc. Michael G. York argued for respondents Amer Jneid et al. Gary A. Waldron argued for respondents Tri Pole Corporation et al. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Boulevard, California, 92701. Panel members O'Leary, Acting P. J., Moore, J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G040829 ANDREW KLEIN
 v.
 ANAHEIM MEMORIAL HOSPITAL ASSOCIATION et al.

Merits. Cause called. Jerome D. Stark argued for appellant. Noah B. Salamon argued for respondent Anaheim Memorial Hospital Association. Robert D. Crockett argued for respondent Memorial Health Services. Cause submitted.

G041394 CITICAPITAL COMMERICAL CORPORATION
 v.
 YU S. HOI

Merits. Cause called. Jeannine E. DelMonte-Kowal argued for appellant. No appearance by respondent Yu S. Hoi in propria persona. Cause submitted.

G040702 THE PEOPLE
 v.
 FRANK BOJORQUEZ

Merits. Cause called. John L. Staley argued for appellant. Emily Hanks, Deputy Attorney General argued for respondent. Cause submitted.

G041152 ADINA VAZQUEZ
 v.
 HYUNDAI MOTOR AMERICA

Merits. Cause called. Scott R. Kaufman argued for appellant. David N. Ruben argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G040643 RICHARD SHIRING
 v.
 CERTIFIED ALLOY PRODUCTS, INC.

Merits. Cause called. Richard M. Henry argued for appellant. Tritia M. Murata argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G040054 TIMOTHY A. BARKER Not for publication
 v.
 APRIL R. BLACKMAN

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: SILLS, P.J.
 MOORE, J.

G040204 THE PEOPLE
 v.
 BRIAN M. CROSBY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040314 THE PEOPLE
 v.
 JESS LARA, et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040350 THE PEOPLE
 v.
 FRANCISCO J. LOPEZ et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G040426 DONALD BOONE Not for publication
 v.
 S & F MANAGEMENT
 COMPANY, INC., et al.

Opinion filed. The judgment is reversed in part and affirmed in part.

BEDSWORTH, ACTING P.J.

We concur: O'LEARY, J.
 IKOLA, J.

G040444 THE PEOPLE
 v.
 GUSTAVO A. PIEDRASANTA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040475 DO NGUYEN et al.
 v.
 DAVID K. TRAN et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040616 THE PEOPLE
 v.
 JESSIE J. GONZALES et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G040623 THE PEOPLE
 v.
 LEWIS VELARDE

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040641 THE PEOPLE
 v.
 DOUGLAS G. SCHMITZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040689 THE PEOPLE
 v.
 VAN PHAN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040720 COUNTY OF ORANGE
 v.
 AMERICAN SURETY
 INSURANCE COMPANY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040848 THE PEOPLE
 v.
 CHI VAN PHAM

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G041059 THE PEOPLE
 v.
 CESAR A. MEDINA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041144 ADOLFO GOMEZ et al.
 v.
 HENRY S. KIM et al.

Not for publication

Opinion filed. The judgment is reversed and remanded with directions.

BEDSWORTH, ACTING P.J.

We concur: MOORE, J.
 ARONSON, J.

G041320 THE PEOPLE
 v.
 JORGE JIRON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041559 THE PEOPLE
 v.
 LAURA DIGIORGIO

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G041572 THE PEOPLE
 v.
 RAYMOND YI

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041710 THE PEOPLE
 v.
 JAMES F. MARLOW

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041718 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 MICHELLE D.;
 CHOLE N.

Opinion filed. The dispositional order is affirmed. Motion to strike letter brief is DENIED.

FYBEL, J.

We concur: RYLAARSDAM, ACTING P.J.
 MOORE, J.

G041845 THE PEOPLE
 v.
 LEE GUY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2009 (cont'd)**

G041976 THE PEOPLE
 v.
 LEANNE M. FAHRION et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G042254 A.L.P
 &
 v.
G042300 A.M.

Order filed. Case number G042254 is consolidated with case number G042300 for all purposes, including briefing, oral argument and decision on appeal.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 25, 2009**

G040078 THE PEOPLE Not for publication
 v.
 MELVIAN T. DURAN

Opinion filed. The order is reversed and remanded for resentencing.

SILLS, P.J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G040614 THE PEOPLE
 v.
 JEREMY J. CARDEN

Order filed. Pursuant to rule 8.256(e)(1) of the C.R.C., submission is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

RYLAARSDAM, ACTING P.J.

We concur: O'LEARY, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 25, 2009 (cont'd)**

G041541 THE PEOPLE
 v.
 RELMON H. DAVIS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041853 THE PEOPLE
 v.
 JOSE D. RAMIREZ

Not for publication

Opinion filed. The judgment is affirmed in part and reversed in part.

RYLAARSDAM, ACTING P.J.

We concur: FYBEL, J.
 IKOLA, J.

G041920 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 J.L.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G042313 E.B.
 v.
 THE SUPERIOR COURT;
 ORANGE COUNTY SOCIAL
 SERVICES AGENCY

Order filed. The above entitled cause is ordered submitted this date, pursuant to C.R.C, rule 8.452(h)(2).

SILLS, P.J.